

## REMARKS

Applicant intends this response to be a complete response to the Examiner's **15 June 2005** Non-Final Office Action. Applicant has labeled the paragraphs in his response to correspond to the paragraph labeling in the Office Action for the convenience of the Examiner.

### *Related Applications*

1. The Examiner contends as follows:

This application filed under former 37 CFR 1.60 lacks the necessary reference to the prior application. It is necessary to list all prior applications. As listed, this application is not copending with 09/676,900 which issued 12/17/02. Also, the current status of all non-provisional application parent applications reference should be included.

Applicant is somewhat mystified by this statement by the Examiner. In the preliminary amendment filed with this case, the paragraph on page 1 starting at line 14 and ending at line 17 was amended to read:

This application is a Continuation of United States Patent Application Serial No. 10/032,619, filed 1 November 2001 now United States Patent No. 6,508,189 issued January 21, 2003, which is a Continuation-In-Part Application of United States Patent Application Serial No. 09/676,900, filed October 2, 2000 now United States Patent No. 6,494,156 issued December 17, 2002, which claims provisional priority to United States Provisional Patent Application Serial No. 60/165,421, filed on November 13, 1999.

To avoid any confusion in this matter, Applicant reintroduces the amendment in the Amendment Section. Applicant believes that these amendments should rectify any problems with the related application description.

### *Judicially Created Obviousness Double Patenting*

- 2-3. **Claims 3 and 16-45** stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Pat. No. 6494156 and claims 1-45 of U.S. Pat. No. 6508189.

Applicant traverses the double patenting rejection as it relates to USPN 6494156 (the '156 patent). This patent and its specification is direction solely to the meso-skeleton and bladder cargo containment system. The '156 patent did not disclose, teach or even suggest that a vessel including meso-skeleton and a bladder cargo system could also include ballistically resistant deck and hull as

claimed herein. Additionally, the Patent Office did not require U.S. Pat. No. 6508189 to be terminally disclaimed. Because the claims are directed to disclosure specifically added to the disclosure of U.S. Pat. No. 6508189, the terminal disclaimer with respect of U.S. Pat. No. 6494156 is unsupported. Applicant, therefore, respectfully request withdrawal of the double patenting rejection regarding the U.S. Pat. No. 6494156 as it relates to new claims 46-62.

Applicant submit a terminal disclaimer herewith relating to U.S. Pat. No. 6508189 and respectfully request withdrawal of the double patenting rejection as it relates to U.S. Pat. No. 6508189.

***Claim Rejections under U.S.C. 35 § 103***

4-5. **Claims 16-17, 21 and 28-32** stand rejected under U.S.C. 35 § 103(a) as being unpatentable over Del Raso in view of Roberts et al (both cited by Applicant).

The Examiner contends as follows:

Del Raso discloses the basis claimed structure including an apparatus with a structure mounted in an interior, including a hanging device (the supporting framework for bladders 210, and a bladder 210 designed to deform in response to a breach. Not disclosed by Del Raso is a flexible bladder. Roberts et al teach a flexible bladder 13 with a skeleton 13A, 13B. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the bladders of Del Raso to be flexible as taught by Roberts et al for improved strength. Additionally, the particular materials used for the skeleton would have been an obvious choice of engineering design to a person of ordinary skill in the art at the time the invention was made for improved strength and durability.

Applicant has canceled claims **16-17, 21 and 28-32** and replaced them with new claims 46-62. These new claims are directed more specifically to ballistic decks and hulls for increasing a vessels resistance of an attack by an explosive weapon.

Although the claims are recast, the new claims are not rendered obvious by the combination of Del Raso and Roberts. First, Del Raso does not includes a bladder system that is the primary cargo holding compartment. In Del Raso, the expandable bladder is only filled after a hull breach is sensed. Del Raso includes a complex sensing, control and pumping assembly to rapidly transfer fluid from the breached tanker to an expandable bladder supported within the tanker. The obvious difference between Del Raso and the present invention is the lack of any teaching in Del Raso to a deck structure or hull structure including ballistic layers and oxygen scavenger layers. In addition, Del Raso does not disclose a meso-skeleton mounted on the deck at or near the deck-hull interface.

Moreover, the bladder of the present invention is not an system into which fluid is pumped in an emergency, but is the tanker. Second, the addition of Roberts does not eliminate the deficiencies in Del Raso. Roberts discloses a bladder disposed in the interior of a tanker that conforms to and contacts the inner surface of the tanker. The bladder is not supported by a meso-skeleton that can move independently of the hull during a breach absorbing some of the impact will transmitting the remainder to the bladder while protecting the bladder from puncture.

The combination of Del Raso and Roberts also lack any teaching of a ballistically resistant deck and hull having ballistic layers and oxygen scavenger layers. Thus, the combination of Del Raso and Roberts do not disclose, teach or suggest a ballistically resistant deck or hull structure or a cargo storage structure including a meso-skeleton mounted on the deck of the vessel and supporting a bladder into which cargo is placed. Because the combination does not disclose, teach or suggest the apparatuses of claim 46-62, Applicant respectfully requests withdrawal of this rejection.

6. **Claims 22-26** stand rejected stand rejected under U.S.C. 35 § 103(a) as being unpatentable over Del Raso in view of Roberts et al (both cited by Applicant) and further in view of Winckelmann.

The Examiner contends as follows:

Del Raso does not disclose a expandable tank. Winckelmann teaches a expandable tank. I would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the device of Del Raso with an expandable tank as taught by Winckelmann to prevent oil spills and damage to the environment. With respect to the use of offloading vehicles, valves and headers, such devices would have been obvious choices of design to a person of ordinary skill in the art for improved oil handling.

Applicant has canceled all claims directed to expandable tanks rendering this rejection moot.

#### *Abstract*

7. The abstract of the disclosure is objected to because it contains two paragraphs instead of one as required. Correction is required.

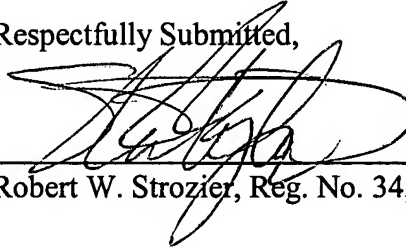
Applicant has submitted an amended abstract, and respectfully requests withdrawal of this rejection.

Having distinguished the present invention over the cited art and submitted a terminal disclaimer,

**The Commissioner is authorized to charge the additional claim charges to Deposit Account No. 501518. The Commissioner is also authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501518.**

If you have any questions, please call me at 713.977.7000.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'R. Strozier', is written over a horizontal line.

Robert W. Strozier, Reg. No. 34,024

Date: November 15, 2005